

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ENTHONE, INC.,

Plaintiff,

v.

1:15-cv-233

BASF CORPORATION,

Defendant.

**Thomas J. McAvoy,
United States District Judge**

DECISION and ORDER

This patent infringement action, brought pursuant to 35 U.S.C. § 271, alleges that Defendant infringed Plaintiff's patents related to the manufacture of microchips. The action was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

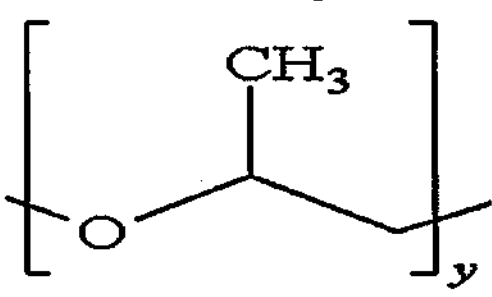
The Report-Recommendation, dated June 17, 2016, recommends that the Court adopt specific constructions for terms in the patents in suit. See dk. # 55. Defendant filed objections to the Report-Recommendation. See dk. # 57. When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.


Having reviewed the record *de novo* and having considered the issues raised in the Defendant's objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Peebles for the reasons stated in the Report-Recommendation.

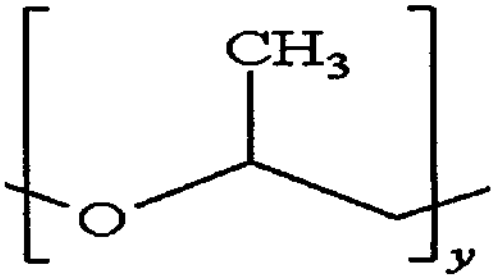
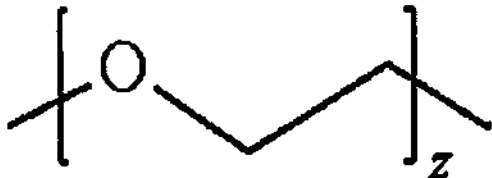
It is therefore

ORDERED that Defendant's objections to the Report-Recommendation, dkt. # 57 are hereby **OVERRULED**. The Report-Recommendation, dkt. # 55, is hereby **ADOPTED**. The Court will adopt the following constructions of the claim terms in issue in this matter:

(1) Agreed Upon Terms

'992 Patent Term/Phrase	Agreed Construction
a method for electroplating a copper deposit onto a semiconductor integrated circuit device substrate with electrical interconnect features including submicron-sized features having bottoms, sidewalls, and top openings, the method comprising:	The preamble of claim 1 is a limitation. The terms in the preamble should be given their plain and ordinary meaning.
propylene oxide (PO) repeat units, propylene oxide repeat units, and PO repeat Units	<p>the chemical structures in a polyether that are represented by the formula C_3H_6O with the following structure:</p>  <p>The diagram shows a skeletal structure of a propylene oxide repeat unit enclosed in large square brackets with a subscript 'y'. The structure consists of an oxygen atom (O) connected to a three-carbon chain. The first carbon is bonded to the oxygen and the second carbon. The second carbon is bonded to the first carbon, the third carbon, and a methyl group (CH₃). The third carbon is bonded to the second carbon and the bracket on the right. The bond from the oxygen to the first carbon and the bond from the third carbon to the bracket are shown as single lines extending outwards from the brackets.</p>
ethylene oxide (EO) repeat units	<p>the chemical structures in a polyether that are represented by a formula C_2H_4O with the following structure:</p>

'992 Patent Term/Phrase	Agreed Construction
	
superfill	fill an interconnect feature from the bottom up, rather than at an equal rate on all of its surfaces, to avoid seams and pinching off that can result in voiding
aspect ratio	the ratio of depth of an interconnect feature to its width or diameter expressed as depth:width or depth:diameter
bonded	covalently attached
block co-polymer sequence	a configuration in which a stretch or "block" of one type of repeat units is bonded to a block of a different type of repeat units to form a single chain
random, alternating, or block configuration	<p>"random configuration"—a configuration in which the different types of repeat units have no discernable pattern along the chain</p> <p>"alternating configuration"—a configuration in which the different repeat unit types alternate according to a defined pattern</p> <p>"block configuration"—a configuration in which a stretch or "block" of one type of repeat units is bonded to a block of a different type of repeat units to form a single chain</p>
interconnect features	features having bottoms, sidewalls, and top openings, such as vias or trenches, formed in a dielectric material

'786 Patent Term/Phrase	Agreed Construction
An electrolytic plating composition for electrolytically plating Cu onto a semiconductor integrated circuit substrate having a planar plating surface and submicron-sized interconnect features by immersion of the semiconductor integrated circuit substrate into the electrolytic solution, the composition comprising	The preamble of claim 1 is a limitation. The terms in the preamble should be given their plain and ordinary meaning.
propylene oxide (PO) repeat units, propylene oxide repeat units, and PO repeat Units	<p>the chemical structures in a polyether that are represented by the formula C_3H_6O with the following structure:</p> 
ethylene oxide (EO) repeat units	<p>the chemical structures in a polyether that are represented by a formula C_2H_4O with the following structure:</p> 
bonded	covalently attached
block co-polymer sequence	a configuration in which a stretch or "block" of one type of repeat units is bonded to a block of a different type of repeat units to form a single chain
random, alternating, or block configuration	<p>"random configuration"—a configuration in which the different types of repeat units have no discernable pattern along the chain</p> <p>"alternating configuration"—a configuration in which the different repeat unit types alternate according to a defined pattern</p>

